IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FIFTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE Mr. JUSTICE C.V.RAMULU

WRIT PETITION No.4259 of 1999

Between:

N. Srinivasa Rao S/o N. Bapanaiah,
R/o H.No.9-11, Mutyalampeta,
Near BEST School, Sarpaka-507 128,

Krishna District.

..... PETITIONER

AND

1 The Secretary, Ministry of Labour (reptg. Union of India)
New Delhi-01
2 The Regional Labour Commissioner (C),
ATI Campus, Hyderabad-07
3 The Asst. Labour Commissioner (C),
Governorpet, Vijayawada-02.
4 The Telecom District Manager,
Khammam-50.
5 Sri A. Prabhakar, Welfare Commissioner,
Central Labour Ministry, 33, Ashoknagar,
Bhubaneswar-751009

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, direction more particularly a writ in the nature of Mandamus directing the respondents to take steps to appoint another Arbitrator in place of Sri A. Prabhakar by suitably modifying the agreement Annexure P-9 to conduct arbitration proceedings inasmuch as the Telecom Department has agreed to settle the issue by arbitration and consequently to direct that either the present RLC (C), Hyderabad, or any other authority be nominated as Arbitrator for settling

the Petitioner's dispute. Alternatively, the Hon'ble Court may be pleased to declare in the light of the materials herein that the petitioner is entitled to reinstatement with continuity of service and all consequential and incidental benefits and consequently to direct the 4th respondent to reinstate the petitioner within a specified time limit.

Counsel for the Petitioner: Mr. C.SURYANARAYANA

Counsel for the Respondents: Mr. A.RAJASHEKAR REDDY (ASST SOLICITOR GEN)

The Court made the following :

ORAL ORDER:

This Writ Petition is filed seeking a Mandamus directing the respondents to take steps to appoint another Arbitrator in place of A. Prabhakar by suitably modifying the agreement dated 17-3-1997 (Annexure P-9) to conduct arbitration proceedings inasmuch as the Telecom Department has agreed to settle the issue by arbitration and consequently to direct that either the present RLC (C), Hyderabad, or any other authority be nominated as Arbitrator for settling the petitioner's dispute; alternatively, to declare, in the light of the materials on record, that the petitioner is entitled to reinstatement with continuity of service and for all consequential benefits.

Insofar as the first portion of the prayer is concerned, it is not for this Court to appoint another Arbitrator in place of a particular Arbitrator by modifying the Agreement in Annexure-9 for conducting arbitration proceedings and also to direct that either the present Regional Commissioner Labour ©, Hyderabad or any other authority be nominated as Arbitrator for settlement of petitioner's dispute. The learned counsel for the petitioner also fairly conceded that the petitioner is not pressing for such a relief. However, he states that in view of the material available on record, the petitioner is entitled for reinstatement into service and continuity of service. I am afraid, no question of law has been raised in this matter. Since the petitioner has an alternative remedy to approach the Labour Court and work out his remedies, the issue cannot be effectively dealt with in this Writ Petition. At this stage, the learned counsel for the petitioner seeks permission of the Court to withdraw the Writ Petition with permission to the petitioner to avail the alternative remedy.

Permission is granted.

The Writ Petition is, therefore, dismissed as withdrawn with liberty to the petitioner to approach the appropriate forum and work out his remedies available under law. No order as to costs.

05-7-2005

prk

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Secretary, Ministry of Labour, Union of India)
New Delhi-01
2 The Regional Labour Commissioner (C),
ATI Campus, Hyderabad-07
3 The Asst. Labour Commissioner (C),
Governorpet, Vijayawada-02.
4 The Telecom District Manager,
Khammam-50.
5 Sri A. Prabhakar, Welfare Commissioner,
Central Labour Ministry, 33, Ashoknagar,
Bhubaneswar-751 009.

6 2 CD copies

Office to furnish

CC within 3 days.

(B.O.)

prk